

VIRGINIA:

IN THE CIRCUIT COURT FOR CHESTERFIELD COUNTY

FRANCES J. BELISLE and)
PIERRE BELISLE,)
)
Plaintiffs,)
)
v.) Case No. CL18-941
)
ANGELA BAXTER, *et al.*,)
)
Defendants.)

OBJECTION TO VENUE AND MOTION TO TRANSFER

COMES NOW, defendant Donald R. Kyles, by counsel, pursuant to Virginia Code §§ 8.01-264 and -265, and objects to venue in the County of Chesterfield and moves this Court to transfer venue to the Circuit Court for the City of Hopewell, and in support thereof, states as follows:

1. Chesterfield County is not a Category A preferred venue under Virginia Code § 8.01-261.
2. The City of Hopewell is a permissible venue under Virginia Code § 8.01-262 as all defendants are identified in the Complaint as residents of the City of Hopewell and/or having their principal places of business in the City of Hopewell (*id.* § 8.01-262(1)), and the City of Hopewell is the location in which the causes of action arose (*id.* § 8.01-262(4)).
3. While Chesterfield County is the location in which the plaintiffs reside, such a forum is permissible under Virginia Code § 8.01-262(10) only if (i) the defendants are unknown or are nonresidents of the Commonwealth or if (ii) there is no other forum available under any provisions of § 8.01-261 or § 8.01-262. Because neither of those conditions exist under the facts alleged in the Complaint, Chesterfield County is not a permissible venue.

EXHIBIT
E

4. Contrary to the allegations of paragraph 8 of the Complaint, the Complaint does not allege facts to support Chesterfield County as a permissible forum under Code § 8.01-262(3) as there are no allegations that any fact witnesses other than the plaintiffs reside in Chesterfield or that any evidence is located in Chesterfield, no allegations that any defendant regularly conducts substantial business activity in Chesterfield, and no allegation that any defendant has withdrawn from the Commonwealth or that venue was proper in Chesterfield as to such defendant prior to his or her withdrawal from the Commonwealth.

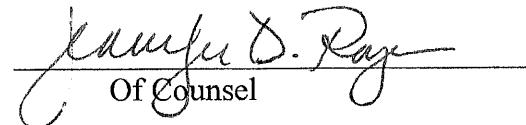
5. Moreover, there are no facts to support the plaintiff's contention that the causes of action against the defendants arose in Chesterfield necessary to support venue in Chesterfield under Code § 8.01-262(4). The entirety of the events involving Ms. Belisle's claims occurred in the City of Hopewell. The only facts intimating any association with Chesterfield County are limited to Chesterfield Police Officers executing an arrest warrant issued at the request of a Hopewell City Police Officer against Mr. Belisle at the plaintiff's home in Chesterfield. The arrest warrant was related to a criminal charge pending against Mr. Belisle in the City of Hopewell for a crime committed at the Hopewell City High School, where Mr. Belisle was employed. All judicial proceedings involving either plaintiff occurred in the City of Hopewell.

6. Because all defendants are alleged to live or work in the City of Hopewell, both criminal incidents giving rise to the plaintiff's asserted civil claims occurred within the City of Hopewell at the Hopewell City High School, all criminal proceedings against the plaintiffs occurred within the City of Hopewell, one of the plaintiffs was employed by the Hopewell City School Board at the time of the incidents alleged in the Complaint, and many fact witnesses reside in the City of Hopewell, the City of Hopewell is a permissible venue for the plaintiffs' claims.

WHEREFORE, defendant Donald R. Kyles, by counsel, moves this Court to transfer venue to the Circuit Court for the City of Hopewell.

Respectfully submitted,

DONALD R. KYLES



Of Counsel

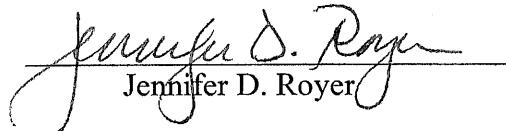
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CERTIFICATE

I hereby certify that on this 19th day of July, 2018, I caused a true copy of the foregoing to be sent via US Mail, first class and postage prepaid, to the following:

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